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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,209	08/20/2001	Norman Ken Ouchi		6453

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,209

Applicant(s)

OUCHI, NORMAN KEN

Examiner

James S McClellan

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*mw*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/20/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment was entered on June 7, 2004 wherein:
  - claims 20-39 are pending;
  - claims 1-19 have been canceled; and
  - claims 20-39 have been added.

### *Election/Restrictions*

2. Claim 1-11 are withdrawn (canceled by applicant on 6/7/04) from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention (Groups I and II), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/7/04.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20, 21, and 28-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,557,780 (hereinafter "Edward").

Edward discloses a system and method for converting data between data sets over a network (26), wherein the system receives data from a sender in first data format, the data is

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transformed to a standard data format, the data is stored in the standard format and the data is transferred from the standard data format to a second data format for transmission to a receiver (see column 3, lines 15-20). It is noted that a plurality of senders and receivers are allowed on the network (see column 8, line 62-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Official Notice.

Regarding claim 26, Edwards fails to explicitly disclose communication over the Internet. However, the Examiner takes Official Notice that communication via the Internet for business trading partners was old and well known at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edwards with Internet communication as was old and well known in the art, because Internet communication is a global network that allows widespread communication possibilities such that a greater number of potential trading partners could communicate.

7. Claims 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of U.S. Patent No. 6,260,024 (hereinafter "Shkedy").

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Edwards fails to disclose tracking or auditing the execution of process for fee or price determination.

Shkedy disclose a third party intermediary for joining buyer and sellers and further discloses charging a flat fee for the service (see column 18, lines 23-36).

Additionally, the Examiner notes that it is old and well known to charge for service based on usage (as disclosed by Shkedy), subscription, or volume of data storage.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edward with the intermediary fee collection of Shkedy, because providing an intermediary allows the buyer and seller to concentrate on their core business.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Ellard is cited of interest for disclosing a system and method for converting data between data sets.

Lin is cited of interest for disclosing an electronic shopping agent which is capable of operating with vendor sites which have disparate formats.

Sartiono is cited of interest for disclosing a system and method for designing or constructing new parts.

Blair is cited of interest for disclosing a method and system for extracting information from RFQ documents and compressing RFQ files into a common RFQ file type.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

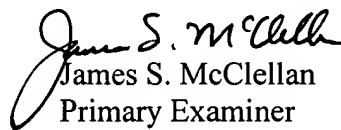
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
August 5, 2004